



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

September 7, 2018

BY ECF

The Honorable Valerie E. Caproni
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *United States v. Kaloyeros, et al.*, S2 16 Cr. 776 (VEC)

Dear Judge Caproni:

The Government respectfully writes in response to letters filed by defendants Louis Ciminelli (Dkt. No. 837), Joseph Gerardi (Dkt. No. 838), Alain Kaloyeros (Dkt. No. 839), and Steven Aiello (Dkt. No. 840), renewing their respective motions for judgments of acquittal pursuant to Federal Rule of Criminal Procedure 29. In their submissions, the defendants rely entirely on arguments made during trial in support of their motions. As set forth by the Government in legal argument throughout the trial—in particular in response to the defendants' Rule 29 arguments on June 28, 2018 (Tr. 2022:5-2032:14, 2040:12-2043:19, 2060:9-2065:24, 2076:15-2077:17) and July 2, 2018 (Tr. 2121:6-2122:13, 2202:4-20)—as well as in its letters regarding venue dated June 30, 2018 (Dkt. No. 765) and July 1, 2018 (Dkt. No. 766) and its summations on July 9, 2018 (Tr. 2434:5-2532:1) and July 10, 2018 (Tr. 2820:17-2958:25), and as corroborated by the verdict of the jury on July 12, 2018, there is no basis in law or fact for the defendants' motions, and each motion should be denied.

Respectfully submitted,

GEOFFREY S. BERMAN
United States Attorney

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cc: Counsel for all defendants (via ECF)